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*Attorneys for Defendants International Union
of Operating Engineers, James T. Callahan,
and Vincent Giblin*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID SLACK, individually, and on behalf
of all others similarly situated, *et al.*

Plaintiffs,

vs.

INTERNATIONAL UNION OF
OPERATING ENGINEERS, a trade union, *et
al.*

Defendants.

Case No.: 3:13-cv-05001-EMC

CLASS ACTION

**STIPULATION MOVING HEARING
DATE FROM JULY 3, 2014 TO JULY 10,
2014**

1 TO THE COURT, TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 This Stipulation is submitted pursuant to Local Rule 6-2 and is entered into by and
 3 between all Plaintiffs and Defendants represented by the undersigned counsel (collectively,
 4 “Stipulating Defendants”) for the purpose of setting a hearing date that accommodates all parties’
 5 counsel’s schedules. Due to conflicts with various proposed hearing dates and difficulty that
 6 some parties’ counsel will have traveling to San Francisco for the recently re-set July 3, 2014
 7 hearing date, the undersigned all agree that the hearing currently set for July 3, 2014 should be
 8 moved to July 10, 2014.

9 Therefore, the parties stipulate that the hearing on Docket No. 114 (Motion to Dismiss
 10 Claims in the First Amended Complaint and Motion to Strike), Docket No. 109 (Motion to
 11 Dismiss Claims in the First Amended Complaint and Motion to Strike), Docket No. 106 (Motion
 12 to Dismiss and, in the Alternative, to Strike), Docket No. 99 (Motion to Dismiss 12th Cause of
 13 Action of the First Amended Complaint for Failure to State a Claim upon Which Relief can be
 14 Granted Pursuant to Fed. Rule of Civil Procedure 12(b)(6)), and Docket No. 107 (Motion to
 15 Dismiss First Amended Complaint) shall be reset for July 10, 2014 at 1:30 p.m. in Courtroom 5,
 16 17th Floor, San Francisco.

17
 18 Respectfully submitted,

19
 20 Dated: July 2, 2014

ALTSHULER BERZON LLP

21
 22 By: /s/ Stacey Leyton
 23 Stacey Leyton

24 Attorneys for Defendants International Union of
 25 Operating Engineers, James T.Callahan, and Vincent
 26 Giblyn
 27
 28

1 Dated: July 2, 2014

MOORE & LEVIANT LLP

2
3 By: /s/ J. Mark Moore

4 J. Mark Moore

H. Scott Leviant

5
6 **BERNS WEISS LLP**

Jeffrey K. Berns

7 Lee A. Weiss

Albert G. Lum

8 Attorneys for Plaintiffs David Slack,
9 John Jarboe, Ken Bettis, Kenny Mendoza
10 and Clyde Eli

11 Dated: July 2, 2014

LAW OFFICE OF KENNETH C. ABSALOM

12
13 By: /s/ George R. Nemiroff

14 Kenneth C. Absalom

George R. Nemiroff

15 Attorneys for Defendants Russell E Burns,
16 Dan Reding, Jim Sullivan, Carl Goff, Justin Diston,
17 Steven Harris, Pane Meatoga, Nate Tucker, Andrew
18 Lagosh, James D. Spain, Jim Graham, Glenn Smith

19 Dated: July 2, 2014

COX, CASTLE & NICHOLSON LLP

20
21 By: /s/ Dwayne McKenzie

Dwayne McKenzie

22 Attorneys for Defendants Kevin J. Albanese, Jeffrey
23 Clyde, F.G. Crosthwaite, Robert Doud, Thomas
24 Holsman, John M. Humber, Lance Inouye, Walt
25 Johnson, James E. Murray, Richard Piombo, Randall
26 Ching, Leonard Dempsey, Chad Goodfellow, Gary
27 Iwamoto, Ken Kawamoto, Kenneth Kobatake,
Leonard Leong, Rodney Nohara, Ronald
Oshiro, Andy Ragasa, Peter Robb, Kathleen
Thurston, Lance Wilhelm, and Corey Yamashita

Dated: July 2, 2014

LITCHFIELD CAVO LLP

By: /s/ Talar Tavlian
Mark K. Worthge, Esq.
Talar Tavlian, Esq.

Attorneys for Defendant OE Federal Credit Union

ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that she has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: July 2, 2014

/s/ Stacey Leyton
Stacey Leyton

Attorneys for Defendants International Union of
Operating Engineers, James T.Callahan, and Vincent
Giblin

[~~PROPOSED~~] ORDER

Pursuant to the Stipulation of Counsel and for good cause shown, IT IS HEREBY ORDERED that the hearing on Docket No. 114 (Motion to Dismiss Claims in the First Amended Complaint and Motion to Strike), Docket No. 109 (Motion to Dismiss Claims in the First Amended Complaint and Motion to Strike), Docket No. 106 (Motion to Dismiss and, in the Alternative, to Strike), Docket No. 99 (Motion to Dismiss 12th Cause of Action of the First Amended Complaint for Failure to State a Claim upon Which Relief can be Granted Pursuant to Fed. Rule of Civil Procedure 12(b)(6)), and Docket No. 107 (Motion to Dismiss First Amended Complaint) shall be reset for July 10, 2014 at 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco.

IT IS SO ORDERED.

Dated: 7/2, 2014

HON. EDW
UNITED ST

